



DIRECTOR EJECUTIVO

September 8, 2011

via e-mail: mfreedman@lsc.gov

Mr. Mark Freedman
Senior Assistant General Counsel
Legal Services Corporation
3333 K Street, NW.
Washington, DC 20007

RE: Request for Comments - Poverty Data and LSC Funding Distribution

Dear Mr. Freedman:

On behalf of the Board, staff and clientele of Puerto Rico Legal Services, Inc. (PRLS), I thank you for this opportunity to comment on the above-referenced matter. It is a matter of fundamental importance to the programs dependant on funding from the Legal Services Corporation (LSC) to serve the urgent and multiple needs for civil legal assistance of poor individuals, families and communities. As the legal services program receiving the largest LSC grant among the 136 programs serving the poor, with 45.1% of the population living below the poverty level according to the 2005-2009 PR Community Survey and with an official unemployment rate of 16.3%, PRLS welcomes this opportunity to comment.

PRLS has studied the proposals made by the staff of LSC as well as by the NLADA, of which we are a member. We refer to the three items set forth in the request in order:

(1) LSC proposes that the Bureau of the Census determine the number of individuals in each geographic area, without reference to the decennial census as a basis for such determination. While we agree with the NLADA that we would like LSC, which has the greatest expertise in the area of poverty as it impacts on the basic human rights and legal needs of the poor to have participation in this process, undoubtedly, the Bureau of the Census is the agency with the best technical expertise in terms of the collection of socio-economic and population data. Moreover, we agree that a distribution scheme "per poor person" in each jurisdiction is, as a point of departure, the most fair and equitable way of approaching this important issue.

However, this computation of poverty should be weighed against other important factors that accentuate or attenuate broad definitions of what constitutes poverty. Therefore, PRLS recommends that once LSC receives data from the Bureau on poverty levels and distribution, it examines the impact of cost of living in each jurisdiction, making allowances in funding. In other words, LSC should be allowed to increase or decrease



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grant assignments based on the *actual impact* of poverty as measured against cost of living data. There is precedent for this, since LSC has already established different income levels for serving for poor persons in Hawaii and Alaska, in recognition of the significantly higher costs of living in those jurisdictions. There is no reason not to apply that logic to other jurisdictions. Certainly, a family living at the poverty level in a state where the cost of living is significantly higher than the norm faces greater challenges than a similar family where the cost of living is at or below the national average. Our suggestion is for these adjustments to be made where the variations from the national cost of living averages is significant (e.g., 10% higher or lower) in basic living costs (food, energy, housing, transportation). LSC could use, for these purposes, the same data considered by the U.S. Office of Management and Budget in determining cost-of-living adjustments for federal employees who are transferred from one jurisdiction to another.

(2) LSC has proposed that funding be reallocated among geographic areas every three (3) years, based on updated determinations by the Bureau of the Census. The NLADA has suggested, although not unanimously, that these adjustments be every five (5) years. Although we understand the reasoning behind the LSC proposal, the impact of adjustments every five (5) years is much more attuned to the recruitment, budgeting and planning needs and limitations of programs such as ours. Five year adjustments allow for more stability, while still allowing recognizing the usefulness for more frequent changes in funding allocations, in order to properly reflect population and poverty fluctuations. Therefore, we support a five (5) year adjustment period.

(3) LSC proposes that the first reallocation be phased in over two years, beginning in Fiscal Year 2013 and continuing through Fiscal Year 2014. In consideration of our difficult experience with the last adjustment after the 2000 census, we agree with the LSC proposal. It will allow for better planning and program responses to the adjustments, minimizing disruptions of services for our applicants and existing clients.

We look forward to learning of the final recommendation by the LSC Board of Directors and, of course, to the determination by Congress. Please do not hesitate to contact us at PRLS if we can be of any assistance or if you require any additional information to aid in this process.

Sincerely,



CHARLES S. HEY MAESTRE
Executive Director

c. Vivian Godineaux-Villaronga, President, PRLS Board of Directors
Don Saunders, Vice President, Civil Division, NLADA